

ASSEMBLY BILL

No. 266

Introduced by Assembly Member Mullin

February 4, 2003

An act to amend Section 31780.2 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 266, as introduced, Mullin. County employees' retirement: San Mateo County.

Existing law authorizes the San Mateo County Board of Supervisors, among others, to provide specified benefits to the surviving domestic partner of a member of the county's retirement system.

This bill would authorize that board of supervisors to elect to phase-in those benefits through collective bargaining and based on actuarial cost estimates.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31780.2 of the Government Code is
2 amended to read:
3 31780.2. (a) In a county of the 1st class, the 10th class, the
4 16th class, or the 18th class, as defined in Sections 28020, 28022,
5 28031, 28037, and 28039, any benefits accorded to a spouse
6 pursuant to this article and Article 11 (commencing with Section
7 31760), Article 15.5 (commencing with Section 31841), Article
8 15.6 (commencing with Section 31855), and Article 16

1 (commencing with Section 31861), or any of them, may be
2 accorded to a domestic partner, as defined in Section 297 of the
3 Family Code, who is registered with the Secretary of State
4 pursuant to Division 2.5 (commencing with Section 297) of the
5 Family Code. The county may also require the member and the
6 member's domestic partner to have a current Affidavit of
7 Domestic Partnership, in the form adopted by the county board of
8 supervisors, on file with the county for at least one year prior to the
9 member's retirement or death prior to retirement.

10 (b) ~~In the event~~ If a member *has a domestic partner* described
11 in subdivision (a) *and* has a surviving dependent child, the
12 surviving dependent child shall receive the death and survivor's
13 allowance until *the age of* 19 years or until married, whichever
14 occurs earlier, or until *the age of* 22 years if attending an
15 educational institution. When the member's surviving dependent
16 child reaches *the age of* 19 years or is no longer a dependent,
17 whichever occurs earlier, or reaches *the age of* 22 years if attending
18 an educational institution, then the benefits accorded to a spouse,
19 as specified in subdivision (a), may be accorded to ~~a~~ *the member's*
20 domestic partner pursuant to this section. However, if a surviving
21 dependent child elects to receive a lump-sum payment, the
22 lump-sum payment shall be shared among any surviving
23 dependent children and the domestic partner, pursuant to this
24 section, in a proportional manner.

25 (c) This section is not operative unless and until the county
26 board of supervisors, by resolution adopted by a majority vote,
27 makes this section operative in the county. *In a county of the 10th*
28 *class, as defined in Sections 28020 and 28031, the county board*
29 *of supervisors may also elect to phase-in the benefits described in*
30 *this section over a reasonable period of time, as determined*
31 *through the collective bargaining process and based on actuarial*
32 *cost estimates.*